

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

OCT 27 2004

No. 04-14416-JJ

11: 02-cv-1008-CC

LARRY WHISTLER,
a.k.a. Larry Zbyszko,
a.k.a. The Living Legend,

Plaintiff-Appellant, THOMAS K. KAHN

versus

WORLD WRESTLING FEDERATION ENTERTAINMENT, INC.,
a Connecticut Corporation,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Georgia

ENTRY OF DISMISSAL

Pursuant to 11th Cir.R.42-2(c), this appeal is hereby dismissed for want of prosecution because the appellant has failed to file the appellant's brief and record excerpts within the time fixed by the rules, effective this 26th day of October, 2004.

THOMAS K. KAHN
Clerk of the United States Court
of Appeals for the Eleventh Circuit

By: Jan Sewell
Deputy Clerk
FOR THE COURT - BY DIRECTION


A True Copy - Attested-
Clerk, U.S. Court of Appeals,
Eleventh Circuit

By: 
Deputy Clerk
Atlanta, Georgia 30303-40

Luther D. Thomas
Clerk, U.S. District Court
75 Spring St., Room 2211
Atlanta GA 30303

RECEIVED IN CLERKS OFFICE
U.S.D.C. - Atlanta

OCT 27 2004

LUTHER D. THOMAS, Clerk
By:  Deputy Clerk

October 26, 2004

Appeal Number: 04-14416-JJ
Case Style: Larry Whistler v. World Wrestling Federation
District Court Number: 02-01008 CV-CC-1

TO: Luther D. Thomas
CC: Joel D. Myers
CC: John L. Taylor, Jr.
CC: Curtis B. Krasik
CC: Jerry S. McDevitt
CC: Otto F. Feil, III
CC: Administrative File
CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case And Names of Parties

October 26, 2004

Luther D. Thomas
Clerk, U.S. District Court
75 Spring St., Room 2211
Atlanta GA 30303

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By: LUTHER D. THOMAS, Clerk
Deputy Clerk

The enclosed certified copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. Pursuant to 11th Cir. R. 42-2(c) and 42-3(c), when the appellant fails to timely file or correct a brief or record excerpts, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on October 20, 2004.

Counsel and pro se parties are advised that pursuant to Fed.R.App.P. 25(a)(2)(A), a motion to set aside the dismissal and remedy the default "is not timely unless the clerk receives the papers within the time fixed for filing."

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Jan Sewell (404) 335-6179

Encl.

DIS-2CIV(03-2004)